

*Legal Supplement Part C to the "Trinidad and Tobago Gazette", Vol. 43,
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No. 3 of 2004

Third Session Eighth Parliament Republic of
Trinidad and Tobago

SENATE

BILL

AN ACT to amend the Pesticides and Toxic Chemicals Act,
1979

THE PESTICIDES AND TOXIC CHEMICALS (AMENDMENT)
BILL (NO. 2), 2004

Explanatory Note

(These notes form no part of the Bill but are intended only to indicate its general purport)

The Bill seeks to amend the Pesticides and Toxic Chemicals Act, 1979 to strengthen the regulatory framework as it relates to pesticides and toxic chemicals.

The Bill consists of ten clauses.

Clauses 1 and 2 of the Bill are the short title and interpretation provisions.

Clause 3 would amend the long title of the Act to extend the scope of the Act to the export of toxic chemicals.

Clause 4 of the Bill would amend section 2 of the Act to expand the definition of the term “toxic chemical” and to define the term “exporter”.

Clause 5 would amend section 3 of the Act to enlarge the composition of the Pesticides and Toxic Chemicals Control Board by three members and to increase the number of members who would comprise the quorum.

Clause 6 would amend section 4A of the Act to prohibit the export of a controlled product without an export licence.

Clause 7 would amend section 5 of the Act to give the Registrar of the Pesticides and Toxic Chemicals Control Board the power to supervise inspectors and give such inspectors instructions and directions in respect of the carrying out of their duties.

Clause 8 would amend section 6 of the Act to allow persons who are registered with the Veterinary Registration Board to be designated medical examiners.

Clause 9 would amend section 12 of the Act to enable the Minister to make Regulations in respect of the exportation of controlled products and would increase the fines for contravention of the Regulations.

Clause 10 would amend section 13 of the Act to increase the fines for various other offences created by the Act.

BILL

AN ACT to amend the Pesticides and Toxic Chemicals
Act, 1979

[, 2004]

ENACTED by the Parliament of Trinidad and Tobago as Enactment
follows:—

1. This Act may be cited as the Pesticides and Toxic Short title
Chemicals (Amendment) Act (No. 2), 2004.

2. In this Act “the Act” means the Pesticides and Toxic Interpretation Act
Chemicals Act, 1979. No. 42 of 1979

Amendment to long title **3.** The long title to the Act is amended by inserting after the word “importation” the word “exportation” and a comma.

Section 2 amended **4.** The Act is amended in section 2 by—
 (a) deleting the definition of “toxic chemical” and substituting the following definition:

 “toxic chemical” means any chemical, other than a pesticide, antiseptic, disinfectant, drug or preservative, which through its chemical action on life processes can cause death, temporary incapacitation or permanent harm to humans or animals, and includes all such chemicals irrespective of their origin or method of production or use;”; and

(b) inserting in the appropriate alphabetical sequence the following definition:

 “exporter” in relation to any article to be exported includes any person who whether as owner, consignor, agent or broker is in possession of the article or in any way entitled to the custody or control of it;”.

Section 3 amended **5.** Section 3 of the Act is amended—

(a) in subsection (2), in paragraph *(f)* by—

(i) deleting the word “five” and substituting the word “eight”; and

(ii) inserting after subparagraph *(iv)*, the following subparagraphs:

 “(v) one shall be a person with specialized knowledge of wildlife and its management;

(vi) one shall be a representative of the Environmental Management Authority; and

(vii) one shall be a representative of the Ministry with responsibility for consumer affairs.”; and

(b) in subsection (7), by deleting the word “four” and substituting the word “seven”.

6. The Act is amended in section 4A(1)—

Section 4A amended

(a) in paragraph (a) by inserting after the word “import” the word “export” and a comma;

(b) by inserting after paragraph (b) the following paragraph:

“(ba) export a controlled product unless the person is the holder of an export licence obtained in the manner prescribed.”; and

(c) in paragraph (d), by inserting after the word “import” the word “export” and a comma.

7. The Act is amended in section 5—

Section 5 amended

(a) by inserting after subsection (2) the following subsection:

“(2A) The Registrar shall be responsible for the general supervision of inspectors.”; and

(b) in subsection (3)(c), by inserting after the word “information” the words “instructions and directions”.

8. The Act is amended in section 6(1)(b) by inserting after the words “Medical Board”, the words “or the Veterinary Registration Board”.

Section 6 amended

Section 12 amended

9. The Act is amended in section 12—

- (a) in subsection (1)(a), by inserting after the word “importation”, the word “exportation” and a comma;
- (b) in subsection (1)(b), by inserting after the word “importation”, the word “exportation” and a comma;
- (c) in subsection (1)(w), by inserting after the word “importation”, the word “exportation”;
- (d) in subsection (2)(a), by inserting after the word “importation”, the word “exportation” and a comma; and
- (e) in subsection (4), by deleting the words “two hundred and fifty” and “twenty-five” and substituting the words “one thousand” and “one hundred” respectively.

Section 13 amended

10. The Act is amended in section 13—

- (a) in subsection (3)(a), by deleting the words “five hundred” and “one thousand” and substituting the words “two thousand” and “four thousand” respectively; and
- (b) in subsection (3)(b), by deleting the words “five thousand” and substituting the words “twenty thousand”.

Passed in the Senate this day of , 2004.

Clerk of the Senate

I confirm the above.

President of the Senate

Passed in the House of Representatives this day
of , 2004.

Clerk of the House

I confirm the above.

Speaker

No. 3 of 2004

THIRD SESSION
EIGHTH PARLIAMENT
REPUBLIC OF
TRINIDAD AND TOBAGO

BILL

AN ACT to amend the Pesticides and Toxic
Chemicals Act, 1979

Received and read the

First time.....

Second time.....

Third time.....
